

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

BEAVER COUNTY RETIREMENT BOARD,)	No. 1:07-cv-00750-SJD
Individually and On Behalf of All Others)	(Consolidated)
Similarly Situated,)	
)	Judge J. Dlott
Plaintiff,)	<u>CLASS ACTION</u>
)	
vs.)	
)	
LCA-VISION INC., et al.,)	
)	
_____)	

NOTICE OF APPEAL

Notice is hereby given that Lead Plaintiff, Beaver County Retirement Board, on behalf of itself and all others similarly situated, hereby appeals to the United States Court of Appeals for the Sixth Circuit from the district court's (1) Order Granting in Part and Denying in Part Motion to Strike and Granting Motion to Dismiss, entered March 25, 2009 (Docket No. 59); (2) Judgment Entry, entered March 25, 2009 (Docket No. 60); (3) Corrected Order Granting in Part and Denying in Part Motion to Strike and Granting Motion to Dismiss, entered March 26, 2009 (Docket No. 61); and (4) Order Denying Motion for Reconsideration, entered November 5, 2009 (Docket No. 66).

DATED: December 4, 2009

Respectfully submitted,

COUGHLIN STOIA GELLER
RUDMAN & ROBBINS LLP
HENRY ROSEN
X. JAY ALVAREZ
LAUREN G. KERKHOFF
DARRYL J. ALVARADO

s/ X. JAY ALVAREZ
X. JAY ALVAREZ

655 West Broadway, Suite 1900
San Diego, CA 92101
Telephone: 619/231-1058
619/231-7423 (fax)
E-mail: henryr@csgrr.com
E-mail: jaya@csgrr.com
E-mail: lkerkhoff@csgrr.com
E-mail: dalvarado@csgrr.com

Lead Counsel for Plaintiffs

STRAUSS & TROY

Richard S. Wayne (0022390)

Thomas P. Glass (0062382)

The Federal Reserve Building

150 E. Fourth Street

Cincinnati, OH 45202-4018

Telephone: 513/621-2120

513/629-9426 (fax)

E-mail: rswayne@strausstroy.com

Liaison Counsel

LAW OFFICES OF ALFRED G.

YATES, JR., P.C.

ALFRED G. YATES, JR.,

519 Allegheny Building

429 Forbes Avenue

Pittsburgh, PA 15219

Telephone: 412/391-5164

412/471-1033 (fax)

E-mail: yateslaw@aol.com

Additional Counsel for Plaintiff

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CERTIFICATE OF SERVICE

I hereby certify that on December 4, 2009, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the e-mail addresses denoted on the attached Electronic Mail Notice List, and I hereby certify that I have mailed the foregoing document or paper via the United States Postal Service to the non-CM/ECF participants indicated on the attached Manual Notice List.

I certify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on December 4, 2009.

s/ X. JAY ALVAREZ

X. JAY ALVAREZ

COUGHLIN STOIA GELLER
RUDMAN & ROBBINS LLP
655 West Broadway, Suite 1900
San Diego, CA 92101-3301
Telephone: 619/231-1058
619/231-7423 (fax)
E-mail: jaya@csgrr.com

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Mailing Information for a Case 1:07-cv-00750-SJD

Electronic Mail Notice List

The following are those who are currently on the list to receive e-mail notices for this case.

- **Xavier Jay Alvarez**
jaya@csgrr.com
- **Matthew Roberts Chasar**
mrchasar@reardonchasar.com
- **Grant Spencer Cowan**
gcowan@fbtlaw.com
- **Jason D. Frank**
jason.frank@bingham.com
- **Thomas P Glass**
tpglass@strausstroy.com,dkhilling@strausstroy.com
- **Jordan D Hershman**
jordan.hershman@bingham.com
- **Lauren G Kerkhoff**
lkerkhoff@csgrr.com,risac@csgrr.com,dalvarado@csgrr.com
- **Maureen Mueller**
mmueller@csgrr.com
- **Henry Rosen**
henryr@csgrr.com
- **Jason Watkins**
jason.watkins@bingham.com,nicole.burhoe@bingham.com,sarah.kim@bingham.com
- **Richard Stuart Wayne**
rswayne@strausstroy.com,fmtuttle@strausstroy.com,acjansen@strausstroy.com

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